

REMARKS

Applicants have studied the Office Action dated October 7, 2004. and have made amendments to the specification. It is submitted that the application, as amended, is in condition for allowance. Claims 1-19 are pending. Reconsideration and allowance of the application, in view of the above amendments and the following remarks, is respectfully requested.

In the Office Action, the Examiner:

- (2) objected to the Oath/Declaration;
- (3) objected to the drawings under 37 CFR 1.84(p)(5) for including reference signs not mentioned in the description; and
- (4-25) rejected claims 1-8, and 9-16 under 35 U.S.C. § 103(a) as being unpatentable over Ingles (A Parallel Tools Consortium Project: Dynamic Probe Class Library) and further in view of Livermore National Laboratory (Performance Analysis Tools).

(2) Objection to the Oath/Declaration for Omission of Applicant

As noted above, the Examiner objected to the Oath/Declaration because the signature of applicant, Jhy-Chun Wang was omitted. A copy of Applicant's post card and filing receipt indicates that a copy of Jhy-Chun Wang's Oath/Declaration was duly filed with the Application on August 24, 2001. A copy of the Oath/Declaration containing the signature of Jhy-Chung Wang is attached hereto. Applicants submit that the Examiner's objection to the Oath/Declaration has been overcome and the Examiner's rejection should be withdrawn.

(3) Objection to the Drawings

As noted above, the Examiner objected to the drawings for failing to comply with 37 CFR 1.84(p)(5). Specifically, the specification of the instant application did not mention reference number 432 of FIG. 4B or reference number 702 of FIG. 7.

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With regard to reference number 432 of FIG. 4B, the paragraph beginning on page 11, line 29 and ending on page 12, line 12 of the specification of the instant application, has been amended to include reference number 432 and incorporate the language shown in the box corresponding to reference number 432 in FIG. 4B of the application as filed. No new matter has been added. Applicants submit that the Examiner's objection to FIG. 4B has been overcome and the Examiner's rejection should be withdrawn.

With regard to reference number 702 of FIG. 7, the paragraph beginning on page 19, line 5 of the specification of the instant application has been amended to change reference number 700 to 702. Applicants submit that the Examiner's objection to FIG. 7 has been overcome and the Examiner's rejection should be withdrawn.

(4-25) Rejection under 35 U.S.C. §103(a)

As noted above, the Examiner rejected claims 1-8, and 9-16 under 35 U.S.C. § 103(a) as being unpatentable over Ingles (A Parallel Tools Consortium Project: Dynamic Probe Class Library) and further in view of Livermore National Laboratory (Performance Analysis Tools). This rejection is respectfully traversed.

The Applicants have submitted an affidavit under 37 CFR 1.131 herewith to establish that the invention claimed in the present application was reduced to writing in the United States prior to the footer which has a date of August 30, 2000. Thus, the invention claimed in the present application was invented prior to August 30, 2000. The Ingles reference cited by the Examiner was published (according to the Comments section regarding more information) on August 30, 2000 and the Livermore National Laboratory reference cited by the Examiner was published on February 26, 2001, which are both after the invention claimed in the present application was invented. Therefore, the Livermore National Laboratory and Ingles references cannot properly be cited against the present application as a prior art reference in a rejection under 35 U.S.C. § 103(a). Additionally, the Ingles reference, at the time of publication, was owned by the assignee of the instant application. Therefore, it is respectfully submitted that the rejection of claims 1-8 and 9-16 under 35 U.S.C. § 103(a) should be withdrawn.

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CONCLUSION

Applicants acknowledge the continuing duty of candor and good faith to disclosure of information known to be material to the examination of this application. In accordance with 37 CFR §1.56, all such information is dutifully made of record. The foreseeable equivalents of any territory surrendered by amendment are limited to the territory taught by the information of record. No other territory afforded by the doctrine of equivalents is knowingly surrendered and everything else is unforeseeable at the time of this amendment by the Applicants and their attorneys.

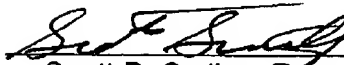
Applicants respectfully submit that all of the grounds for rejection stated in the Examiner's Office Action have been overcome, and that all claims in the application are allowable. No new matter has been added. It is believed that the application is now in condition for allowance, which allowance is respectfully requested.

It is believed that no fee is due with this Amendment. However, if any fees are due with respect to Sections 1.16 or 1.17, please charge deposit account no. 09-0463.

PLEASE CALL the undersigned if that would expedite the prosecution of this application.

Respectfully submitted,

Date: January 7, 2005

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